

STATE OF SOUTH CAROLINA)

COUNTY OF RICHLAND)

IN THE MATTER OF:)
COMPLAINT C2011-086)

State Ethics Commission,
Complainant;)

vs.)

Winston Cantrell,
Respondent.)
_____)

BEFORE THE STATE ETHICS COMMISSION

DECISION AND ORDER

STATE ETHICS
COMMISSION

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RECEIVED

This matter comes before the State Ethics Commission by virtue of a complaint filed by the Commission on June 7, 2011. On July 20, 2011, pursuant to S. C. Code Ann. § 8-13-320(10)(i)(Supp. 2010) the State Ethics Commission reviewed the above-captioned complaint charging the Respondent, Winston Cantrell, with a violation of Section 8-13-700(A).

Present at the meeting were Commission Members E. Kay Biermann Brohl, Acting Chair, Edward E. Duryea, Priscilla L. Tanner, , JB Holeman, George Carlton Manly, Jonathan H. Burnett and Richard H. Fitzgerald. Also present were the Commission's Executive Director, Herbert R. Hayden, Jr., and his immediate staff. The Commission found probable cause to warrant an evidentiary hearing.

STATEMENT OF FACTS

1. The Respondent, Winston Cantrell, is the Mayor of Inman.
2. Respondent advised he owns a lawn service business. He stated that even though an Inman ordinance requires him to have a business license for doing business in the town he did not obtain one because the town does not enforce the ordinance. Respondent stated that since the complaint was filed he has secured the required business license, a copy of which he provided.

CONCLUSIONS OF LAW

Based upon the foregoing Findings of Fact, the Commission concludes, as a matter of law:

1. During all times relevant, the Respondent, Winston Cantrell, is a public official as defined by Section 8-13-700(27).
2. The State Ethics Commission has personal and subject matter jurisdiction.
3. Section 8-13-700(A) prohibits a public official from using his official office to obtain an economic interest for a business with which he is associated.
4. Section 8-13-320(10)(i) provides in part:

(10) to conduct its investigation, inquiries, and hearings in this manner:

(i) . . . If the Commission finds probable cause to believe that a violation of this chapter has occurred, the Commission may waive further proceedings if the respondent takes action to remedy or correct the alleged violation.

DECISION

Based upon the evidence presented and the acquisition of the business license, the State Ethics Commission has determined that the Respondent, Winston Cantrell, has complied with the Ethics Reform Act of 1991. THEREFORE, in accordance with Section 8-13-320(10)(i), and the rules and regulations promulgated thereunder, the State Ethics Commission waives further proceedings.

IT IS SO ORDERED THIS 29th DAY OF July, 2011.

STATE ETHICS COMMISSION

COLUMBIA, SOUTH CAROLINA


E. KAY BIERMANN BROHL
CHAIRMAN